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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

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In re Application of
Kunihiko Fukui.
Application No. 09/902,711
Filed: July 12, 2001
For: **OIL EXCHANGE TIMING
INDICATING APPARATUS FOR
VEHICLES**

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the Petition to Withdraw Holding of Abandonment filed November 25, 2003 pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The petition is **GRANTED**.

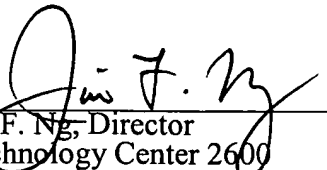
This application became abandonment for failure to timely file a proper response to the final office action mailed December 11, 2002 (see Paper No. 12) which set a shortened statutory period of three (3) months to reply. That period lapsed without reply, rendering this application abandoned as March 11, 2003. A Notice of Abandonment was mailed on October 1, 2003.

Petitioner alleges to have timely filed a response to the final office action on April 17, 2003. To support this position, Petitioner has included with the instant petition, a copy of the first postcard receipt, for the filing of the Reply and a Notice of Appeal (with a petition for a two-month extension of time) on April 17, 2003 and a copy of the second postcard receipt for filing of an Appeal Brief (with a petition for two-month extension of time), and its transmittal, on August 18, 2003.

The original correspondence filed was not matched with the file and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the U.S.PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely filed in the Patent and Trademark Office but not matched with the application file.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The application file is being forwarded to the Technology Center's technical support staff for entry of the copy of the amendment submitted with the petition. From there, the application file will be forwarded to the examiner for appropriate action in due course.


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